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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

7 CHRISTOPHER O'ROURKE,)
8 Plaintiff,) CASE NO. C18-0410RSM
9 v.) ORDER DIRECTING PLAINTIFF TO
10) AMEND COMPLAINT
11 SHARE AND CARE HOUSE,)
12 Defendant.)
13 _____)

14 *Pro Se* Plaintiff Christopher O'Rourke filed his Complaint on March 23, 2018. Dkt. #5.
15 Summonses have not yet been issued. Plaintiff alleges that his representative payee, Defendant
16 Share and Care House, misused benefits paid on his behalf, specifically to pay illegal rent
17 increases. *Id.* Plaintiff also alleges that Defendant failed to seek reimbursement of a rent
18 payment that was erroneously paid on his behalf. *Id.* Plaintiff claims that as a result, his credit
19 score has dropped, he has been unable to transition into stable housing, he has suffered
20 unnecessary debt, and he has been saddled with accruing interest on that debt. *Id.*

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22 As federal courts are courts of limited jurisdiction, a plaintiff bears the burden of
23 establishing that his case is properly filed in federal court. *Kokkonen v. Guardian Life Ins. Co.*,
24 511 U.S. 375, 377, 114 S. Ct. 1673, 1675, 128 L. Ed. 2d 391 (1994); *In re Ford Motor*
25 *Co./Citibank (South Dakota), N.A.*, 264 F.3d 952, 957 (9th Cir. 2001). This burden, at the
26 pleading stage, must be met by pleading sufficient allegations to show a proper basis for the
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1 federal court to assert subject matter jurisdiction over the action. *McNutt v. General Motors*
2 *Acceptance Corp.*, 298 U.S. 178, 189, 56 S. Ct. 780, 785, 80 L. Ed. 1135 (1936). Further, the
3 Court will dismiss a Complaint at any time if the action fails to state a claim, raises frivolous or
4 malicious claims, or seeks monetary relief from a defendant who is immune from such relief.
5 *See* 28 U.S.C. § 1915(e)(2)(B).
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7 In this case, Mr. O'Rourke fails to demonstrate that he has made an appeal to the Social
8 Security Administration ("SSA") for the alleged representative payee actions. Such actions are
9 subject to initial SSA review, not judicial review. As a result, Plaintiff must demonstrate that he
10 has first complied with the required administrative procedures in order for jurisdiction to lie with
11 this Court.
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13 Accordingly, the Court hereby ORDERS that Plaintiff shall file an Amended Complaint
14 **no later than twenty-one (21) days from the date of this Order.** In the Amended Complaint,
15 Plaintiff must include a short and plain statement demonstrating to the Court that he has satisfied
16 his administrative requirements and that he is seeking to appeal a decision by SSA.
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18 The Clerk shall send a copy of this Order to Mr. O'Rourke at P.O. Box 12052
19 Seattle, WA 98102.

20 DATED this 26 day of March, 2018.
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24 RICARDO S. MARTINEZ
25 CHIEF UNITED STATES DISTRICT JUDGE
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